

Application No.: 10/776,191

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REMARKS

This Supplemental Response supplements the Office Action filed June 30, 2006, filed in response to the Office Action dated April 3, 2006, and is filed in response to the telephone interview of September 6, 2006. This application should be allowed and the case passed to issue.

Claims 1-20 are pending in this application. Claims 1-8 and 14-19 have been withdrawn, pursuant to a restriction requirement. Claims 9-13 and 20 have been rejected.

Interview Summary

Applicants thank Examiner Bernatz for contacting the undersigned on September 6, 2006 to discuss the steps necessary to place this application in condition for allowance. Applicants greatly appreciate the Examiner's helpful suggestions. During the telephone interview, Examiner Bernatz requested a terminal disclaimer be filed to obviate the obviousness-type double patenting rejection in view of U.S. Pat. No. 6,613,422. Examiner Bernatz also requested that Applicants explain the source of the graph attached as Appendix 1 to the Amendment filed June 30, 2006. In addition, Examiner Bernatz informed the undersigned that claims 1-8 and 14-19 would be rejoined and allowed upon Applicants placing claims 9-13 and 20 in condition for allowance.

Restriction

Upon the allowance of the Group II claims (claims 9-13 and 20), Applicants respectfully request rejoiner and allowance of the Group I claims (claims 1-8) and Group III claims (claims 14-19), as discussed during the telephone interview of September 6, 2006.

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Obviousness Double Patenting

Claims 9-13 and 20 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,613,422. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

In response to this rejection, Applicants have filed a terminal disclaimer concurrently with the filing of this Amendment. In light of the terminal disclaimer, Applicants submit that the obviousness-type double patenting rejection in view of U.S. Pat. No. 6,613,422 should be withdrawn.

In response to the Examiner's query during the telephone interview of September 6, 2006, the graph attached as Appendix 1 to the Amendment filed June 30, 2006 was generated from Seagate Technology LLC experimental data.

In view of the above remarks, the concurrently filed terminal disclaimer, and the amendments and remarks in the Amendment filed June 30, 2006, Applicants submit that claims 1-20 in this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Kim Ballard
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Kim Ballard 9/8/06
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